

HOUSE BILL 167

M4

(2lr0743)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Hucker, Anderson, Arora, Barve, Bobo, Carr, Carter, Conaway, Cullison, Frush, Gilchrist, Holmes, Howard, A. Kelly, Lafferty, Luedtke, Oaks, Reznik, S. Robinson, Stein, Waldstreicher, and Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Commercial Feed – Arsenic Prohibition**

3 FOR the purpose of prohibiting a person from using, selling, or distributing certain
4 commercial feed that contains roxarsone or any other additive that contains
5 arsenic; authorizing a person to use, sell, or distribute certain commercial feed
6 that contains histostat; providing for the termination of this Act under certain
7 circumstances; requiring the State Department of Agriculture to provide a
8 certain notification; providing for a delayed effective date; and generally
9 relating to the contents of commercial feed.

10 BY adding to
11 Article – Agriculture

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 6–107.3
 2 Annotated Code of Maryland
 3 (2007 Replacement Volume and 2011 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Agriculture**

7 **6–107.3.**

8 **(A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
 9 **PERSON MAY NOT USE, SELL, OR DISTRIBUTE FOR USE OR SALE WITHIN THE**
 10 **STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY FEED THAT**
 11 **CONTAINS:**

12 **(1) ROXARSONE; OR**

13 **(2) ANY OTHER ADDITIVE THAT CONTAINS ARSENIC.**

14 **(B) A PERSON MAY USE, SELL, OR DISTRIBUTE FOR USE OR SALE WITHIN**
 15 **THE STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY FEED THAT**
 16 **CONTAINS HISTOSTAT.**

17 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

18 **(a) This Act shall be abrogated and of no further force and effect with respect**
 19 **to the specific arsenical additive receiving approval by the U.S. Food and Drug**
 20 **Administration ~~under 21 C.F.R. Part 514,~~ if the U.S. Food and Drug Administration,**
 21 **on review of new information under 21 C.F.R. Part 514, issues a finding that:**

22 **(1) ~~approves the use of Roxarsone, or any other additive that contains~~**
 23 **arsenic; and**

24 **(2) ~~finds that the exposure to Roxarsone, or any other additive that~~**
 25 **contains arsenic is:**

26 **(i) ~~unavoidable and necessary; and~~**

27 **(ii) ~~without adverse effects to the environment.~~**

28 **(1) approves the use of the arsenical additive; and**

29 **(2) includes in its approval an evaluation of:**

30 **(i) human food safety;**

- 1 (ii) impact on the environment;
- 2 (iii) safety to animals;
- 3 (iv) effectiveness of the drug for its intended use; and
- 4 (v) chemistry and manufacturing procedures; ~~and~~
- 5 ~~(vi) water quality impacts to the Chesapeake Bay; and~~
- 6 ~~(3) exposure to the arsenical additive is unavoidable and necessary.~~

7 (b) The State Department of Agriculture shall notify the Department of
8 Legislative Services within 5 days after the action under subsection (a) of this section
9 occurs.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect ~~October 1, 2012~~ January 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.